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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 THE BOARD OF TRUSTEES OF THE  
15 CONSTRUCTION INDUSTRY AND LABORERS  
16 HEALTH AND WELFARE TRUST; THE BOARD  
17 OF TRUSTEES OF THE CONSTRUCTION  
18 INDUSTRY AND LABORERS JOINT PENSION  
19 TRUST; THE BOARD OF TRUSTEES OF THE  
20 CONSTRUCTION INDUSTRY AND LABORERS  
21 VACATION TRUST; THE BOARD OF  
22 TRUSTEES OF SOUTHERN NEVADA  
23 LABORERS LOCAL 872 TRAINING TRUST,

24 Plaintiffs,

25 vs.

26 ALSTON CONSTRUCTION COMPANY,  
27 INC., a California corporation; KIEWIT  
28 INFRASTRUCTURE WEST CO., a Delaware  
corporation; ARIA RESORT & CASINO, LLC,  
a Nevada limited liability company; MGM  
RESORTS INTERNATIONAL, a Nevada  
corporation; BELLAGIO, LLC, a Nevada  
limited liability company; and KENNETH M.  
MERCURIO, an individual,

Defendants.

Case No.: 2:18-cv-00416-APG-GWF

**STIPULATION AND ORDER  
TO EXTEND DEADLINE FOR  
ALSTON CONSTRUCTION  
COMPANY, INC. TO FILE  
RESPONSE TO PLAINTIFFS'  
COMPLAINT**

**[FIRST REQUEST]**

Plaintiffs the Board of Trustees of the Construction Industry and Laborers Health and Welfare Trust; the Board of Trustees of the Construction Industry and Laborers Joint Pension Trust; the Board of Trustees of the Construction Industry and Laborers Vacation Trust; and the Board of Trustees of Southern Nevada Laborers Local 872 Training Trust, ("Plaintiffs") and

1 Defendant Alston Construction Company, ("Alston Construction") by and through their respective  
2 undersigned counsel, hereby stipulate and agree to extend the time for Alston Construction to  
3 answer Plaintiffs' Complaint related to alleged liability for a subcontractors contributions to an  
4 ERISA trust fund (the "Complaint"). This is the first request for an extension of time to respond to  
5 the Complaint.  
6

7 This extension is requested because Defendant Alston Construction only recently retained  
8 defense counsel in this matter. In order to become familiar with the case, Defendant's counsel  
9 requires additional time to complete their response to the Complaint, as well as explore the  
10 potential of resolution with the Plaintiffs. By way of the instant stipulation, the parties agree to  
11 extend the deadline for Alston Construction to file its responsive pleadings for an additional thirty  
12 (30) days, up to and including April 25, 2018.  
13

14 This stipulation is made in good faith and is not intended for purposes of delay, but in the  
15 interest of judicial economy.

16 Dated this 26<sup>th</sup> day of March, 2018.

17 THE URBAN LAW FIRM

OGLETREE, DEAKS, NASH, SMOAK &  
STEWART, P.C.

19 /s/ Nathan R. Ring  
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Attorneys for Defendant Alston Construction

23 **ORDER**

24 **IT IS SO ORDERED.**

25   
26 UNITED STATES MAGISTRATE JUDGE

27 3/27/2018  
28 DATE